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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,045	01/10/2005	Atsushi Kudo	255291US90PCT	2143
22850 7590 06/17/2010 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER YOUNG, NATASHA E				
ART UNIT		PAPER NUMBER		
1797				
NOTIFICATION DATE		DELIVERY MODE		
06/17/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/502,045

Applicant(s)

KUDO ET AL.

Examiner

NATASHA YOUNG

Art Unit

1797

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-6, 10-12, 16 and 32-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-6, 10-12, 16 and 32-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4-6 and 34 rejected under 35 U.S.C. 102(b) as being anticipated by Harada et al (WO 2001/051173 A, English Equivalent US 2002/0197193 A1).

Regarding claim 4, Harada et al discloses a honeycomb filter (see Abstract) for purifying exhaust gases, comprising: a plurality of columnar porous ceramic members (11) having a partition wall (14) and plurality of through holes (15), said through holes extending in parallel with one another in a length direction of said columnar porous ceramic members, said partition wall separating said through holes and configured to filter particulates in an exhaust gas, said through holes of each said columnar porous ceramic members including ones sealed at an inlet side of said columnar porous ceramic members and ones sealed at an outlet side of said columnar porous ceramic member such that the exhaust gas enters from the inlet side, passes through the

partition wall and flows out from the outlet side; and an adhesive layer combining said columnar porous ceramic members with one another and formed by drying an adhesive paste including a pore forming material which forms a plurality of pores adjusting a thermal capacity per unit volume of said adhesive layer becomes lower than a thermal capacity per unit volume of the porous ceramic members (see Abstract; paragraphs 0024-0030, 0038, and 0041-0043; and figures 1a-d), since ceramic fiber, ceramic powder, cement, or the like produces pores.

Regarding claims 5 and 6, Harada et al discloses a honeycomb filter wherein the thermal capacity per unit volume of the adhesive layer is set to 90% or less of the thermal capacity per unit volume of the porous ceramic members and wherein the thermal capacity per unit volume of the adhesive layer is set to 20% or more of the thermal capacity per unit volume of the porous ceramic members (see paragraph 0030).

Regarding claim 34, Harada et al disclose a honeycomb filter further comprising a catalyst support in at least one of said columnar porous ceramic members (see paragraph 0045).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 10, 16, 37-39, and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al (WO 03/033104 A1, English Equivalent US 2002/0197193 A1) in view of Yamamura et al (JP 2000-102709 A).

Regarding claims 10 and 37, Harada et al discloses a honeycomb filter (see Abstract) for purifying exhaust gases, comprising: a ceramic block comprising at least one columnar porous ceramic member having a partition wall and plurality of through holes, said through holes extending in parallel with one another in a length direction of said columnar porous ceramic members, said partition wall separating said through

holes and configured to filter particulates in an exhaust gas, said through holes of each said columnar porous ceramic members including ones sealed at an inlet side of said columnar porous ceramic members and ones sealed at an outlet side of said columnar porous ceramic member such that the exhaust gas enters from the inlet side, passes through the partition wall and flows out from the outlet side (see Abstract; paragraphs 0024-0030, 0038, and 0041-0043; and figures 1a-d); and the filter further comprising a catalyst supported in at least one of said columnar porous ceramic members (see paragraph 0045).

Harada et al does not disclose a coating material layer formed on a circumferential face of said ceramic block and formed by drying a coating material paste including a pore forming which forms a plurality of pores adjusting a thermal capacity per volume of said coating material layer is lower than a thermal capacity per unit volume of the porous members; and said plurality of pores is formed by incorporating the pore forming material which forms independent pores in said coating material layer.

However, Harada et al discloses an adhesive layer combining said columnar porous ceramic members with one another and formed by drying an adhesive paste including a pore forming material which forms a plurality of pores adjusting a thermal capacity per unit volume of said adhesive layer becomes lower than a thermal capacity per unit volume of the porous ceramic members (see Abstract; paragraphs 0024-0030, 0038, and 0041-0043; and figures 1a-d).

Yamamura et al discloses coating the peripheral part of the ceramic block by the sealant which contains an inorganic fiber, an inorganic binder, an organic binder, and an

inorganic particle at least (see paragraphs 15 and 22-25) resulting in a coating material layer formed on a circumferential face of said ceramic block and formed by drying a coating material paste including a pore forming which forms a plurality of pores adjusting a thermal capacity per volume of said coating material layer is lower than a thermal capacity per unit volume of the porous members, since inorganic fiber and silicon carbide produces pores.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Harada et al with the teachings of Yamamura et al such that a coating material layer formed on a circumferential face of said ceramic block and formed by drying a coating material paste including a pore forming which forms a plurality of pores adjusting a thermal capacity per volume of said coating material layer is lower than a thermal capacity per unit volume of the porous members in order to prevent leaks (see Yamamura et al paragraph 0063).

Regarding claims 16 and 46, Harada et al discloses (claim 4) a honeycomb filter (see Abstract) for purifying exhaust gases, comprising: a plurality of columnar porous ceramic members having a partition wall and plurality of through holes, said through holes extending in parallel with one another in a length direction of said columnar porous ceramic members, said partition wall separating said through holes and configured to filter particulates in an exhaust gas, said through holes of each said columnar porous ceramic members including ones sealed at an inlet side of said columnar porous ceramic members and ones sealed at an outlet side of said columnar porous ceramic member such that the exhaust gas enters from the inlet side, passes

through the partition wall and flows out from the outlet side; and an adhesive layer combining said columnar porous ceramic members with one another and formed by drying an adhesive paste including a pore forming material which forms a plurality of pores adjusting a thermal capacity per unit volume of said adhesive layer becomes lower than a thermal capacity per unit volume of the porous ceramic members (see Abstract; paragraphs 0024-0030, 0038, and 0041-0043; and figures 1a-d); and the filter further comprising a catalyst supported in at least one of said columnar porous ceramic members (see paragraph 0045).

Harada et al does not disclose a coating material layer formed on a circumferential face of said ceramic block and formed by drying a coating material paste including a pore forming which forms a plurality of pores adjusting a thermal capacity per volume of said coating material layer is lower than a thermal capacity per unit volume of the porous members.

However, Harada et al discloses an adhesive layer combining said columnar porous ceramic members with one another and formed by drying an adhesive paste including a pore forming material which forms a plurality of pores adjusting a thermal capacity per unit volume of said adhesive layer becomes lower than a thermal capacity per unit volume of the porous ceramic members (see Abstract; paragraphs 0024-0030, 0038, and 0041-0043; and figures 1a-d).

Yamamura et al discloses coating the peripheral part of the ceramic block by the sealant which contains an inorganic fiber, an inorganic binder, an organic binder, and an inorganic particle at least (see paragraphs 15 and 22-25) resulting in a coating material

layer formed on a circumferential face of said ceramic block and formed by drying a coating material paste including a pore forming which forms a plurality of pores adjusting a thermal capacity per volume of said coating material layer is lower than a thermal capacity per unit volume of the porous members, since inorganic fiber and silicon carbide produces pores.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Harada et al with the teachings of Yamamura et al such that a coating material layer formed on a circumferential face of said ceramic block and formed by drying a coating material paste including a pore forming which forms a plurality of pores adjusting a thermal capacity per volume of said coating material layer is lower than a thermal capacity per unit volume of the porous members in order to prevent leaks (see Yamamura et al paragraph 0063).

Regarding claims 38 and 39, Harada et al discloses a honeycomb filter wherein the thermal capacity per unit volume of the adhesive layer is set to 90% or less of the thermal capacity per unit volume of the porous ceramic members and wherein the thermal capacity per unit volume of the adhesive layer is set to 20% or more of the thermal capacity per unit volume of the porous ceramic members (see paragraph 0030).

Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al (WO 03/033104 A1, English Equivalent US 2002/0197193 A1) in view of Veres (US 3,929,494).

Claims 32 and 33 rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al (WO 03/033104 A1, English Equivalent US 2002/0197193 A1) as applied to claim 4 above, and further in view of Veres (US 3,929,494).

Regarding claims 32 and 33, Harada et al does not disclose a honeycomb filter wherein said plurality of pores is formed by incorporating the pore forming material which forms independent pores in said adhesive layer and wherein said pore forming material comprises at least one material selected from the group consisting of a foaming agent, inorganic balloons and organic balloons.

However, Harada et al discloses a cement adhesive, or sealant (see paragraph 0041).

Veres discloses a foaming sealant or cement (see Abstract).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Harada et al with the teachings of Veres such that a honeycomb filter comprises a foaming sealant or cement resulting in a honeycomb filter wherein said plurality of pores is formed by incorporating the pore forming material which forms independent pores in said adhesive layer and wherein said pore forming material comprises at least one material selected from the group consisting of a foaming agent, inorganic balloons and organic balloons to provide a sealant which is dimensionally stable when subject to high temperatures (see Veres Abstract).

Claims 35, 36, 40-41, and 44-45 rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al (WO 03/033104 A1, English Equivalent US

2002/0197193 A1) and Yamamura et al (JP 2000-102709 A) as applied to claim 4 above, and further in view of Veres (US 3,929,494).

Regarding claims 35, 36, 44, and 45, Harada et al does not disclose a honeycomb filter wherein said plurality of pores is formed by incorporating the pore forming material which forms independent pores in said coating material layer and wherein said pore forming material comprises at least one material selected from the group consisting of a foaming agent, inorganic balloons and organic balloons.

However, Harada et al discloses a cement adhesive, or sealant (see paragraph 0041).

Yamamura et al disclose that the coating material layer is made with the same material as the adhesive layer (see paragraph 0022).

Veres discloses a foaming sealant or cement (see Abstract).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Harada et al with the teachings of Yamamura et al and Veres such that a honeycomb filter comprises a foaming sealant or cement resulting in a honeycomb filter wherein said plurality of pores is formed by incorporating the pore forming material which forms independent pores in said coating material layer and wherein said pore forming material comprises at least one material selected from the group consisting of a foaming agent, inorganic balloons and organic balloons to provide a coating material layer which is dimensionally stable when subject to high temperatures (see Veres Abstract).

Regarding claims 40 and 41, Harada et al does not disclose a honeycomb filter wherein said plurality of pores is formed by incorporating the pore forming material which forms independent pores in said adhesive layer and wherein said pore forming material comprises at least one material selected from the group consisting of a foaming agent, inorganic balloons and organic balloons.

However, Harada et al discloses a cement adhesive, or sealant (see paragraph 0041).

Veres discloses a foaming sealant or cement (see Abstract).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Harada et al with the teachings of Veres such that a honeycomb filter comprises a foaming sealant or cement resulting in a honeycomb filter wherein said plurality of pores is formed by incorporating the pore forming material which forms independent pores in said adhesive layer and wherein said pore forming material comprises at least one material selected from the group consisting of a foaming agent, inorganic balloons and organic balloons to provide a sealant which is dimensionally stable when subject to high temperatures (see Veres Abstract).

Claims 11, 12, 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harada et al (WO 03/033104 A1, English Equivalent US 2002/0197193 A1) in view of Yamamura et al (JP 2000-102709 A).

Regarding claim 42 and 43, Harada et al does not disclose a honeycomb filter wherein the thermal capacity per unit volume of the coating material layer is set to 90%

or less of the thermal capacity per unit volume of the porous ceramic members and wherein the thermal capacity per unit volume of the coating material layer is set to 20% or more of the thermal capacity per unit volume of the porous ceramic members.

However, Harada et al discloses a honeycomb filter wherein the thermal capacity per unit volume of the adhesive layer is set to 90% or less of the thermal capacity per unit volume of the porous ceramic members and wherein the thermal capacity per unit volume of the adhesive layer is set to 20% or more of the thermal capacity per unit volume of the porous ceramic members (see paragraph 0030) and the adhesive may be ceramic fiber (see paragraph 0041).

Yamamura discloses coating material may comprise ceramic fiber (see paragraph 0022).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the teachings of Harada et al with the teachings of Yamamura et al such that the thermal capacity per unit volume of the coating material layer is set to 90% or less of the thermal capacity per unit volume of the porous ceramic members and wherein the thermal capacity per unit volume of the coating material layer is set to 20% or more of the thermal capacity per unit volume of the porous ceramic members in order to prevent leaks (see Yamamura et al paragraph 0063).

Allowable Subject Matter

The indicated allowability of claims 11, 12, 42, and 43 is withdrawn in view of the newly discovered reference(s) to Harada et al (WO 03/033104 A1, English Equivalent

US 2002/0197193 A1) in view of Yamamura et al (JP 2000-102709 A) and Veres (US 3,929,494). Rejections based on the newly cited reference(s) are described above.

Response to Arguments

Applicant's arguments, see Remarks, filed June 3, 2010, with respect to the rejection(s) of claim(s) 4-6, 10, 16, and 32-46 under U.S.C. 102(e) and 103(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Harada et al (WO 03/033104 A1, English Equivalent US 2002/0197193 A1) in view of Yamamura et al (JP 2000-102709 A) and Veres (US 3,929,494).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATASHA YOUNG whose telephone number is 571-270-3163. The examiner can normally be reached on Mon-Thurs 7:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Griffin can be reached on 571-272-1447. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/N. Y./

Examiner, Art Unit 1797

/Walter D. Griffin/

Supervisory Patent Examiner, Art Unit 1797